

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

ADVANCED ENVIRONMENTAL)
SERVICES, INC., et al.,)
)
Plaintiffs,)
)
)
vs.) Case No. 4:19 CV 3099 RWS
)
)
CITY OF ST. LOUIS, et al.,)
)
)
Defendants.)

MEMORANDUM AND ORDER

On September 1, 2020, I ordered the parties to inform the Court on their respective positions regarding the propriety of mediation. The parties responded that they opposed mediation, in part because the plaintiffs did not want to go through the certification procedure using the City's new rules. Despite this objection, the Court concludes that this case should be referred immediately to mediation because it continues to believe that this case can, and should be, resolved without continued litigation. The Court is not requiring plaintiffs to restart the certification procedure. Instead, the Court's observation that the rules were changing was meant to indicate flexibility in the respective parties' positions such that mediation would be beneficial to both parties. To afford the parties the best opportunity to achieve a successful resolution of the litigation, the pending cross-motions for summary judgment will be denied without prejudice to being refiled only upon the conclusion of mediation if the case has not been successfully settled. However, the Court would urge the parties to more thoroughly brief the dispositive issue and provide relevant case law if they expect to achieve judgment as a matter of law.

Accordingly,

IT IS HEREBY ORDERED that this case is referred to mediation immediately,
with mediation to be concluded by January 11, 2021.

IT IS FURTHER ORDERED that the motions for summary judgment [29, 32] are denied without prejudice.



RODNEY W. SIPPEL
UNITED STATES DISTRICT JUDGE

Dated this 14th day of September, 2020.